

Trans Justice Work in Washington State Prisons



TIP
Trans in Prison
Justice Project

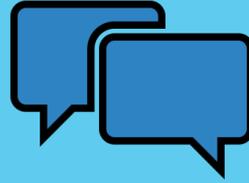
A Disability Rights Washington Project

Gender and Justice Commission
November 1, 2019

Overview



Conditions for
Trans Prisoners



TIP's work

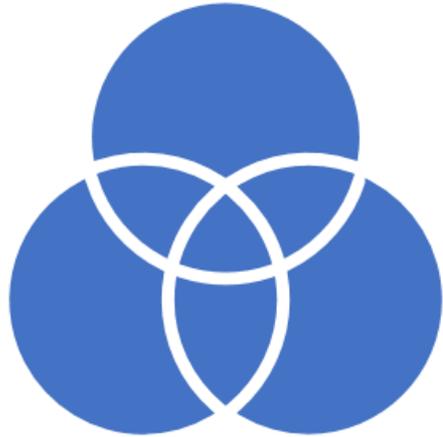


Issue in Focus:
Name Changes



Q&A

Conditions for Trans Prisoners



Housing

Medical and Mental Health Care

Sexual Violence & Harassment

Dehumanization

Lack of Re-entry Housing & Supports

Lack of Privacy

Disproportionate Solitary Confinement

Criminalization of Support Networks

Clothing

Strip Searches

Access to Religious Ceremony & Property

Recognition of Name/Gender
Documentation

Policies & Protocols

Isolation/Lack of Access to Support

Some Initial Data

from TIP's Systemic
Investigation

100% survivors of sexual violence

74.1% self-identify as having a disability

96.9% have life experience with disability

44.8% say they have been put into solitary confinement against their will “for their own protection”

89.2% have spent time in solitary confinement

51.7% report experiencing sexual harassment on a *daily* basis

40.7% have thought seriously about suicide in past 12 months

59.3% self-harm while incarcerated (related to gender dysphoria)

Average wait time to access HRT: 2+ years

Average wait time to access undergarments: 10 months

Examples

Housing

Generally, transgender women do not have access to gender-affirming housing



Dehumanization

Strip searches; names and pronouns not respected; lack of privacy (showers, bathrooms, home); lack of access to religious ceremonies and property; lack of access to appropriate clothing



Violence

Sexual violence and harassment; physical assault; complex trauma

Examples

Identification Documents

DOC only recognizes the name on the Judgment & Sentence

Updating legal name/gender marker

Barriers due to incarceration re: legal name changes, Social Security, birth certificates. Legal name versus DOC name – a paperwork nightmare!

Re-entry

Release money; transitional housing; employment; health care

TIP's Work

Individual Representation on Systemic Issues

Medical Care ~ PREA ~ Housing Determinations

Policy Advocacy

New policy development ~ Changes to protocols

Supporting Self-Advocacy & Community Knowledge

Technical assistance ~ Resource Guides ~ Support Groups

Systemic Advocacy



Issue in Focus: Name Changes

Current Barriers to Accessing Legal Name Changes for Trans Prisoners



Fee Waivers



Lack of Access to Courts



Logistics

Access to Legal Name Changes Matter

Why?

- Recognition of identity
- Facilitates access to education, medical services, housing, employment, banking, social services, etc.
- Safety: as a result of mismatched ID, 25% of trans people have been harassed; 16% have been denied services or benefits; 9% have been asked to leave public places; and 2% have been assaulted

Why Name Changes are Extra Important for Trans Prisoners



For trans folks in prison, their name change may be one of the only truly self-affirming acts they can take to determine their own gender.



They get to know and call themselves as their chosen name no matter how the outside world or DOC may perceive them.



DOC still does not fully recognize legal name changes.



Despite these barriers, many trans prisoners still are seeking name changes because they are so important and identity affirming.



Fee Waivers

A Brief Overview of Washington
State Court General Rule 34

General Rule 34

GR 34 (“Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency”) allows the court to waive “fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief” for a person who is indigent.

▶ **Name Changes are Expensive!**

- Filing fee (varies by county - \$58-\$93)
- Auditor recording (\$103.50)
- Certified copies (varies)
- Administrative fees (varies)

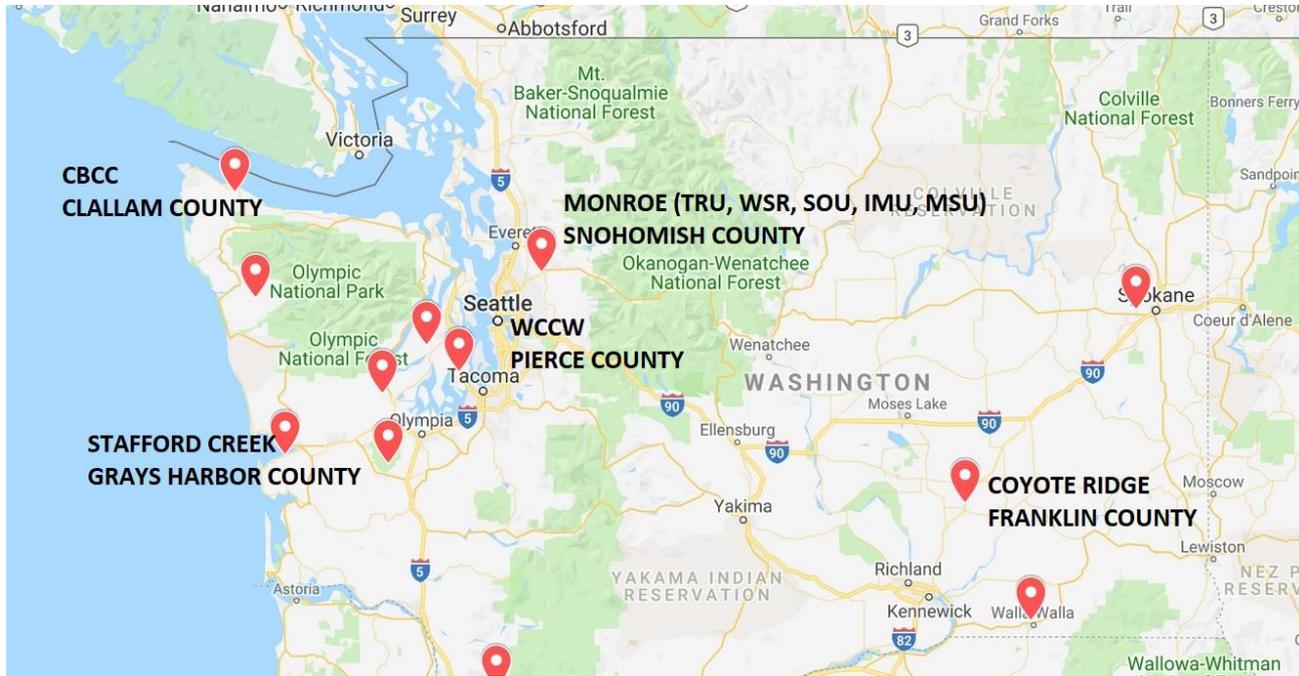
Relevant Caselaw: *Jafar v. Webb*

- ▶ In *Jafar v. Webb*, 177 Wash. 2d 520, 527 (2013), the Washington Supreme Court held that once an individual is determined to be indigent, courts must waive all civil fees and surcharges.
- ▶ BUT:
 - ▶ GR 34 is not being implemented consistently
 - ▶ Some challenges in recognizing GR 34 applies to name changes, period
 - ▶ Most courts will apply GR 34 to filing fees, but courts are split as to whether GR 34 applies to auditor's recording fee
 - ▶ Even when courts grant fee waiver for auditor's recording fee, there may be separation of powers issue



Lack of Access to the Courts

Filing and Presence Requirements



Pro se petitioners cannot access
the courts in multiple counties



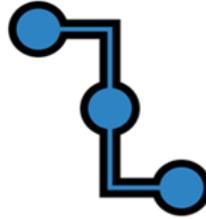
Logistics

Sometimes law is made without
certain people in mind

Examples of challenges for pro se petitioners



**Notice
Requirements**



**Order of
Operations**



**Identification &
Court Forms**



Thank you!

Be in touch:

dannyw@dr-wa.org